

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TWANA ADAMS, OLGA BATYREVA, MING BELL, DAVID BERKOWITZ, JONATHAN BERLYNE, ANTHONY CAMINITI, JAIME CASTRO, GLORIA CHAVEZ, JOSEPHINA CRUZ, JAMES CULLEN, DIANE DANIELS, MICHAEL EBWO, LOUISA GANIS, ROSELYNE GISORS, JOANN HART, LISA HAYES, MICHAEL HOLLANDER, ELEANOR JOHNSON, RAFAL KOWAL, JANE LEVINE, HAZEL MARTINEZ, MICHAEL McLOUGHLIN, RAYMOND NUNGE, ALENA RADKE-GABRIEL, THOMASINA ROBINSON, DENISE RUSSO, PAUL SANTUCCI, JENNIFER SAUNDERS, JACQUELINE SAWYER, ALEX SCHREIBER, ALAN SCHLESINGER, BARBARA SEGALL, LINDA SEIFFERT, DANIEL SMITH, GILDA TEEL, EUSTOQIO TORRES-NOGUERAS, JACQUELINE WADE, MICHAEL WESTBAY, GEORGE ZANETIS, and MAURICIO ZAPATA,

Docket No.  
08-CV-5996 (GEL)

**N O T I C E   O F  
M O T I O N   T O  
D I S M I S S   I N L I E U   O F  
A N S W E R**

Plaintiffs,

- against -

NEW YORK STATE EDUCATION DEPARTMENT, a Division/Organ of the State of New York; RICHARD MILLS, Commissioner of Education; TEACHER TENURE HEARING UNIT; MARYANN FAIRMAN, Supervisor; DEBORAH A. MARRIOTT, Manager; DOUGLASS BANTLE; STUART BAUCHNER; ALAN BERG; MARY CRANGLE; HOWARD EDELMAN; DEBORAH M. GAINES; ELEANOR GLANSTEIN; JOSHUA JAVITZ; ERIC LAWSON; ANDREE McKISSICK; RANDI LOWITT; EARL PFEFFER; ARTHUR RIEGEL; MARTIN SCHEINMAN; JACK TILLEM; BONNIE SIBER-WEINSTOCK; and PAUL ZONDERMAN,

Defendants.

**MOTION BY:**

**GARBARINI & SCHER, P.C.**

Attorneys for Defendants

*Douglas Bantle s/h/a Douglass Bantle; Stuart Bauchner; Alan Berg; Mary Crangle; Howard Edelman; Deborah M. Gaines; Eleanor Glandstein s/h/a Eleanor Glanstein; Joshua Javits s/h/a Joshua*

*Javitz; Eric Lawson; Andrée McKissick s/h/a Andree McKissick; Randi Lowitt; Earl Pfeffer; Arthur Riegel; Martin Scheinman; Jack Tillem; Bonnie Siber-Weinstock; and Paul Zonderman*

**DATE, TIME, and PLACE:**

To be set by the court, the United States District Courthouse, Southern District of New York, 500 Pearl Street, New York, New York 10007

**RELIEF REQUESTED:**

An Order pursuant to Federal Rules of Civil Procedure §§ 12(b)(6) and 12(c), and for such relief as the Court deems proper.

**SUPPORTING PAPERS:**

Affidavit of Gregg D. Weinstock, Memorandum of Law and Exhibits.

**RESPONDING PAPERS:**

Pursuant to the Federal Rules of Civil Procedure and Judge's rules

Dated: New York, New York  
July 15, 2008

Yours, etc.,

GARBARINI & SCHER, P.C.

By:

  
Gregg D. Weinstock (GW-8078)

Attorneys for Defendants

*Douglas Bantle s/h/a Douglass Bantle; Stuart Bauchner; Alan Berg; Mary Crangle; Howard Edelman; Deborah M. Gaines; Eleanor Glandstein s/h/a Eleanor Glandstein; Joshua Javits s/h/a Joshua Javitz; Eric Lawson; Andrée McKissick s/h/a Andree McKissick; Randi Lowitt; Earl Pfeffer; Arthur Riegel; Martin Scheinman; Jack Tillem; Bonnie Siber-Weinstock; and Paul Zonderman*  
432 Park Avenue South, 9<sup>th</sup> Floor  
New York, New York 10016-8013  
(212) 689-1113

TO: EDWARD D. FAGAN, ESQ.  
Attorney for Plaintiffs  
5 Penn Plaza, 23<sup>rd</sup> Floor  
New York, New York 10001  
(646) 378-2225

NEW YORK STATE ATTORNEY GENERAL  
120 Broadway  
New York, New York 10271

**[NO OTHER APPEARANCES]**